



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,057	10/21/2003	Donald C. Hegebarth	5	3497

7590

12/08/2004

Thomas E. Hill
Emrich & Dithmar
Suite 3000
300 S. Wacker
Chicago, IL 60606

EXAMINER

NGUYEN, NINH H

ART UNIT	PAPER NUMBER
----------	--------------

3745

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

08

Office Action Summary	Application No. 10/690,057	Applicant(s) HEGEBARTH, DONALD C.	
	Examiner Ninh H. Nguyen	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/20/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presson (3,467,018).

Presson discloses a pump (Figs.1-5) comprising a sealed drive stage 27 capable of imparting rotary motion; a rotor/stator mechanism including a rotor 20 disposed within a stator 19 for displacing pumping material within a along the length of the stator as the rotor undergoes rotational displacement; a connector 48 coupling the drive stage to the rotor/stator mechanism for rotationally displacing the rotor; and a sealed suction housing enclosing the connector and connecting the drive stage to the rotor/stator mechanism and adapted to receive pumping material, wherein rotation of the rotor by the drive stage draws pumping material from the suction housing for displacement within and discharge from the rotor/stator mechanism, the suction housing including a removable plate 24 for exposing the connector and inner portion of the suction housing to facilitate cleaning and repair of the pump (col. 3, lines 63-74);

wherein the pump further comprising plural coupling members (Fig. 1) connecting the removable plate to the suction housing;

wherein the removable plate includes plural apertures each adapted to receive a respective coupling member (Fig. 1); and

Art Unit: 3745

wherein each coupling member includes a threaded pin (Figs. 1, 2) attached to the suction housing and adapted for insertion through a respective aperture in a plate, each coupling member further including a threaded connector for engaging a respective threaded pin for securely maintaining a plate on the suction housing in a sealed manner.

However, Presson does not disclose the suction housing comprises a plurality of removable plates as claimed.

Since the applicant has not disclosed that having the suction housing comprises a plurality of removable plates solves any stated problem or is for any particular purpose above the fact that a removable plate facilitates cleaning and repairing of the pump; and it appears that the pump of Presson would perform equally well with the an additional removable plate disposed opposite to the existing plate, it would have been an obvious matter of design choice to modify the pump of Presson by utilizing a plural of plates as claimed.

3. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presson as applied to claims 1-4 above and in further view of Varadan (4,237,704).

Presson as discussed in the rejection of claims 1-4 above discloses all the limitations except there is not a cover disposed over the connector to prevent contact of the connector with pumping material as claimed.

Varadan teaches a pump comprising (Figs. 1-6) a shaft 16 connected to a drive motor (not shown), a rotor/stator 10 connected to the shaft via a connector to move the pumping material along the longitudinal direction of the rotor/stator upon rotation of the shaft, a suction housing 15 enclosing the connect connector and adapted to receive pumping material; wherein the connector

Art Unit: 3745

is surrounded by a resilient sleeve 61 (Fig. 1) clamped to respective ends of the coupling to protect the coupling from foreign material (col. 5, lines 54-56).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the pump of Presson with a sleeve covering the connector coupling for the purpose of preventing foreign material from interfering with the operation of the connector coupling as taught by Varadan.

Allowable Subject Matter

4. Claim 16, due to the limitation of a source of lubricant attached to the suction housing, is allowed.
5. Claims 5-7, due to the limitation of the suction housing including top, bottom and side panels and associated attaching device, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 13-15, due to the limitation of a lubricant reservoir connected to the suction housing, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Art Unit: 3745

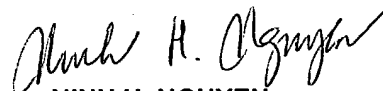
Allen (4,185,839) is cited to show a progressive cavity pump.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
December 3, 2004